

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONALD SATISH EMRIT,)	CASE NO. 1:24-CV-46
)	
Plaintiff,)	JUDGE CHARLES E. FLEMING
)	
vs.)	
)	MEMORANDUM OPINION AND
PROGRESSIVE INSURANCE, <i>et al.</i> ,)	ORDER
)	
Defendants.)	
)	
)	

Pro se Plaintiff Ronald Satish Emrit filed a complaint in this case against Progressive Insurance Company (“Progressive”) and Stephanie Courtney, the actress who portrays the character “Flo” in commercials for Progressive. (ECF No. 1). Plaintiff did not pay the filing fee, but instead, filed a motion to proceed *in forma pauperis*. (ECF No. 2).

Plaintiff is a serial frivolous filer in federal courts nationwide who has now been prohibited from proceeding *in forma pauperis* in this district. *See Emrit v. Combs*, Case No. 1:24-cv-441 (N.D. Ohio Apr. 5, 2024) (Polster, J.). Proceeding *in forma pauperis* in federal court is a privilege, not a right. *See Wilson v. Yaklich*, 148 F.3d 596, 603 (6th Cir. 1998). The decision to grant or deny an application to proceed *in forma pauperis* “lies within the sound discretion of the district court.” *Flippin v. Coburn*, 107 F. App’x 520, 521 (6th Cir. 2004) (citing *Phipps v. King*, 866 F.2d 824, 825 (6th Cir. 1988)). In accordance with Judge Polster’s order in Case No. 1:24-cv-441 prohibiting Plaintiff from proceeding *in forma pauperis* and detailing Plaintiff’s extensive history of filing frivolous lawsuits in federal court, Plaintiff’s motion to proceed *in forma pauperis* in this case is **DENIED**.

A federal district court may “at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999).

Plaintiff’s complaint purports to allege state-law claims against Defendants for “public nuisance” and “tortious interference with business relations” on the basis he finds commercials he viewed featuring Flo to be “annoying.” (ECF No. 1, PageID #4–6). Plaintiff’s complaint is frivolous and warrants dismissal for lack of subject matter jurisdiction under *Apple v. Glenn*. Plaintiff’s complaint is **DISMISSED WITH PREJUDICE**.

Accordingly, Plaintiff’s motion to proceed *in forma pauperis* in this matter (ECF No. 2) is **DENIED**, and this action is **DISMISSED WITH PREJUDICE**. The Court further **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: April 11, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE